



JFW

TRANSMITTAL LETTER

PATENT

Application No.: 10/816,049
Filing Date: March 31, 2004
First Named Inventor: John W. Barrus
Examiner's Name: Tran, Quoc A.
Art Unit: 2176
Attorney Docket No.: 74451P161

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action dated April 24, 2008.
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims) No fee
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: _____
- ☐ Other: _____
- ☐ Check(s) _____
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Tatiana Rossin

SIGNATURE: *Tatiana Rossin*

REG. NO.: 56,833

DATE: July 23, 2008

ADDRESS: 1279 Oakmead Parkway

Sunnyvale, CA 94085-4040

TELEPHONE NO.: (408) 720-8300

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 23, 2008
Date of Deposit

Dianne Northey Name of Person Mailing Correspondence
Signature

7/23/08
Date

Express Mail Label No. (if applicable): _____

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(10/14/03)

**FEE TRANSMITTAL FOR FY 2008**

(Effective on 9/30/2007. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

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Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify)☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>			
1011	310	2011	155	Utility application filing fee	1,030/515	
1111	510	2111	255	Utility search fee		
1311	210	2311	105	Utility examination fee		
1012	210	2012	105	Design application filing fee	440/220	
1112	100	2112	50	Design search fee		
1312	130	2312	65	Design examination fee		
1013	210	2013	105	Plant filing fee	680/340	
1113	310	2113	155	Plant search fee		
1313	160	2313	80	Plant examination fee		
1004	810	2004	405	Reissue filing fee	1,940/970	
1114	510	2114	255	Reissue search fee		
1314	620	2314	310	Reissue examination fee		
1005	210	2005	105	Provisional application filing fee		
SUBTOTAL (1) \$ <u>0.00</u>						

2. EXCESS CLAIM FEES**Fee Description****Large Entity** **Small Entity**

Fee Fee Fee Fee

Code (\$) Code (\$) **Fee Description**

1202 50 2202 25 Each claim over 20

1201 210 2201 105 Each independent claim over 3

1203 370 2203 185 Multiple dependent claims, if not paid

1204 210 2204 105 Reissue: each claim over 20 and more than in the original patent

1205 50 2205 25 Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims <u>76</u> - 77 HP =		X _____	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>4</u> - 4 HP =		X _____	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims			= _____

SUBTOTAL (2) \$ 0.00**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X \$ _____	_____

Large Entity **Small Entity**

Fee Fee Fee Fee

Code (\$) Code (\$) **Fee Description:**

1081 260 2081 130 Application size fee for each additional group of 50 sheets

1082 260 2082 130 beyond initial 100 sheets (count spec & drawings except sequences & program listings):

1083 260 2083 130 Utility

1084 260 2084 130 Design

1084 260 2084 130 Plant

1084 260 2084 130 Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>	
Non-English Specification, \$130 fee (no small entity discount)					
<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	120	2251	60	Extension for reply within first month	_____
1252	460	2252	230	Extension for reply within second month	_____
1253	1,050	2253	525	Extension for reply within third month	_____
1254	1,640	2254	820	Extension for reply within fourth month	_____
1255	2,230	2255	1,115	Extension for reply within fifth month	_____
1401	510	2401	255	Notice of Appeal	_____
1402	510	2402	255	Filing a brief in support of an appeal	_____
1403	1,030	2403	515	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	510	2452	255	Petition to revive - unavoidable	_____
1453	1,540	2453	770	Petition to revive - unintentional	_____
1501	1,440	2501	720	Utility issue fee (or reissue)	_____
1502	820	2502	410	Design issue fee	_____
1503	1,130	2503	565	Plant issue fee	_____
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	_____
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	_____
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	130	2814	65	Statutory Disclaimer	_____
1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	810	2801	405	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority	_____
Other fee (specify) _____					_____
Other fee (specify) _____					_____
SUBTOTAL (4)				\$ 0.00	_____

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Tatiana RossinSignature: Date: July 23, 2008Reg. Number: 56,833Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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 Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply) Check Credit Card Money Order X None Other (please identify) Deposit AccountDeposit Account Number : 02-2666Deposit Account Name: X The Director is Authorized to do the following with respect to the above-identified Deposit Account: Charge fee(s) indicated below. X Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application. Charge fee(s) indicated below except for the filing fee X Credit any overpayments. X Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>			
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SUBTOTAL (1) \$ <u>0.00</u>						

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<u>Large Entity</u>		<u>Small Entity</u>	
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
1202	50	2202	25
1201	210	2201	105
1203	370	2203	185
1204	210	2204	105
1205	50	2205	25

Fee Description

Each claim over 20
 Each independent claim over 3
 Multiple dependent claims, if not paid
 Reissue: each claim over 20 and more than in the original patent
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	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
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1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

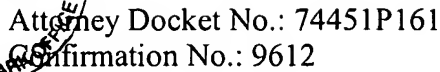
Other fee (specify) _____

SUBTOTAL (4) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Tatiana RossinSignature: Date: July 23, 2008Reg. Number: 56,833Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AND PROCESSING STORED
DOCUMENTS

Art Unit: 2176

AMENDMENT

In response to the Office Action mailed April 24, 2008, applicant respectfully requests the above-identified application be amended as follows.

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on July 23, 2008
(Date of Deposit)

By: Dianne Neathery
Dianne Neathery